

Senate Amendment 5045

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1 1 Amend Senate File 2330 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. Section 99G.9, Code 2005, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 4A. To establish a process to
1 7 allow a person to be voluntarily excluded for life
1 8 from purchasing a lottery ticket or share for lottery
1 9 games authorized by this chapter. The process
1 10 established shall require that the authority
1 11 disseminate information regarding persons voluntarily
1 12 excluded to all retailers under this chapter and, if
1 13 applicable, to licensees under chapters 99D and 99F.
1 14 The state, the authority, retailers under this
1 15 chapter, and, if applicable, any licensee under
1 16 chapter 99D or 99F shall not be liable to any person
1 17 for any claim which may arise from this process. In
1 18 addition to any other penalty provided by law, any
1 19 money or thing of value that has been obtained by, or
1 20 is owed to, a voluntarily excluded person by the
1 21 authority as a result of playing any lottery game by
1 22 the person after the person has been voluntarily
1 23 excluded shall not be paid to the person but shall be
1 24 deposited into the gambling treatment fund created in
1 25 section 135.150. The authority shall coordinate with
1 26 the racing and gaming commission to establish a
1 27 unified process for allowing persons to be excluded
1 28 for life under this chapter and chapters 99D and 99F,
1 29 and to establish a statewide database of persons
1 30 excluded under this process and those excluded under
1 31 the process for racetrack enclosures and all other
1 32 licensed facilities under chapters 99D and 99F.
1 33 Sec. 2. Section 99G.30, subsection 4, Code 2005,
1 34 is amended to read as follows:
1 35 4. Except for the authority, a retailer shall only
1 36 sell lottery products on the licensed premises and not
1 37 through the mail or by technological means except as
1 38 the authority may provide or authorize and subject to
1 39 the requirements of section 99G.30B.
1 40 Sec. 3. NEW SECTION. 99G.30A AGE RESTRICTIONS ==
1 41 PENALTIES.
1 42 1. A person under the age of twenty-one years
1 43 shall not purchase or attempt to purchase a lottery
1 44 ticket or share and shall not enter the age-restricted
1 45 area in which a monitor vending machine is located. A
1 46 person who violates this subsection commits a
1 47 scheduled violation under section 805.8C, subsection
1 48 5.
1 49 2. If any retailer, or employee of a retailer, is
1 50 convicted or found in violation of section 99G.30,
2 1 subsection 3, the authority shall, in addition to
2 2 criminal penalties fixed for violation of that
2 3 subsection, assess a civil penalty as follows:
2 4 a. A first violation shall subject the retailer to
2 5 a civil penalty in the amount of five hundred dollars.
2 6 b. A second violation within two years shall
2 7 subject the retailer to a thirty-day suspension of the
2 8 retailer's license and a civil penalty in the amount
2 9 of one thousand five hundred dollars.
2 10 c. A third violation within three years shall
2 11 subject the retailer to a sixty-day suspension of the
2 12 retailer's license and a civil penalty in the amount
2 13 of one thousand five hundred dollars.
2 14 d. A fourth violation within three years shall
2 15 result in revocation of the retailer's license.
2 16 e. For purposes of this subsection:
2 17 (1) The date of any violation shall be used in
2 18 determining the period between violations.
2 19 (2) Suspension shall be limited to the specific
2 20 license for the premises found in violation.
2 21 Sec. 4. NEW SECTION. 99G.30B MONITOR VENDING
2 22 MACHINES == RESTRICTIONS.
2 23 1. It shall be lawful for a retailer to sell
2 24 lottery products or tickets by means of a monitor

2 25 vending machine pursuant to the requirements of the
2 26 authority, but only if all of the following conditions
2 27 are met:

2 28 a. A monitor vending machine shall only be
2 29 permitted or offered for use by a retailer in any
2 30 single location or premises for which a class "A",
2 31 class "B", class "C", special class "C", or class "D"
2 32 liquor control license or class "B" or class "C" beer
2 33 permit has been issued pursuant to chapter 123.

2 34 b. A monitor vending machine shall not be located
2 35 on the premises of a retailer within twenty feet of an
2 36 automated teller machine.

2 37 c. Monitor vending machines shall be located in an
2 38 age-restricted area in which a permanent physical
2 39 barrier, as approved by the authority, restricts
2 40 access to the monitor vending machines.

2 41 d. A monitor vending machine offered to the public
2 42 shall be designed so as to be inaudible and with a
2 43 video monitor screen that only displays the age
2 44 requirement for play until the machine is activated by
2 45 a player. Each machine shall be designed to require
2 46 each player to affirmatively respond to questions on
2 47 the machine as determined by the authority prior to
2 48 being allowed to insert money and play the machine.
2 49 The questions shall require responses related to the
2 50 minimum age required to play the machine, the
3 1 consequences if a person excluded from purchasing
3 2 lottery products plays the machine, and the
3 3 availability of gambling treatment programs.

3 4 e. A retailer shall not award a prize to a person
3 5 for playing a monitor vending machine until the
3 6 retailer verifies that the person is eligible to claim
3 7 a prize. The authority shall establish the
3 8 requirements for determining eligibility for claiming
3 9 a prize, which requirements shall include the manner
3 10 of verifying the age of the person and determining
3 11 whether the person is excluded from claiming a prize
3 12 under this chapter.

3 13 f. A retailer that offers a monitor vending
3 14 machine to the public and is authorized to sell
3 15 alcohol, wine, or beer for on-premises consumption
3 16 shall require employees of the retailer to attend
3 17 training designed to assist employees at bars and
3 18 restaurants in preventing alcohol sales to minors or
3 19 intoxicated patrons.

3 20 g. A retailer with a monitor vending machine shall
3 21 make brochures concerning available gambling treatment
3 22 information readily available to players of the
3 23 machine.

3 24 2. For purposes of this section, "monitor vending
3 25 machine" means a machine or other similar electronic
3 26 device that includes a video monitor and audio
3 27 capabilities that dispenses to a purchaser lottery
3 28 tickets that have been determined to be winning or
3 29 losing tickets by a predetermined pool drawing machine
3 30 prior to the dispensing of the tickets.

3 31 Sec. 5. Section 99G.33, Code 2005, is amended to
3 32 read as follows:

3 33 99G.33 LAW ENFORCEMENT INVESTIGATIONS.

3 34 The department of public safety, division of
3 35 criminal investigation, shall be the primary state
3 36 agency responsible for investigating criminal
3 37 violations under this chapter. The chief executive
3 38 officer shall contract with the department of public
3 39 safety for investigative services, including the
3 40 employment of special agents and support personnel,
3 41 and procurement of necessary equipment to carry out
3 42 the responsibilities of the division of criminal
3 43 investigation under the terms of the contract and this
3 44 chapter. The contract shall provide, at a minimum,
3 45 for random checks of retailers at all hours for
3 46 compliance with the provisions of this chapter,
3 47 especially as it relates to the purchase of lottery
3 48 products or access to monitor vending machines by a
3 49 person who has not reached the age of twenty-one.

4 50 Sec. 6. Section 99G.39, subsection 1, paragraph a,
4 1 Code 2005, is amended to read as follows:

4 2 a. An amount equal to one-half of one percent of
4 3 the gross lottery revenue for the year shall be
4 4 deposited in the gambling treatment fund created in
4 5 section 135.150. However, an amount equal to one

~~4 6 percent of the gross lottery revenue for the year~~
~~4 7 derived from monitor vending machines shall be~~
~~4 8 deposited in the gambling treatment fund created in~~
~~4 9 section 135.150.~~
4 10 Sec. 7. Section 805.8C, subsection 5, Code
4 11 Supplement 2005, is amended to read as follows:
4 12 5. GAMBLING VIOLATIONS. For violations of legal
4 13 age for gambling wagering under section 99D.11,
4 14 subsection 7, section 99F.9, subsection 5, section
~~4 15 99G.30A, subsection 1,~~ and section 725.19, subsection
4 16 1, the scheduled fine is five hundred dollars.
4 17 Failure to pay the fine by a person under the age of
4 18 eighteen shall not result in the person being detained
4 19 in a secure facility.>
4 20 #2. Title page, by striking lines 1 and 2 and
4 21 inserting the following: <An Act concerning the Iowa
4 22 lottery, including provisions regarding monitor
4 23 vending machines, and providing penalties.>
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4 27 _____
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